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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,413	11/15/2003	Floyd E. Bigelow JR.	BGLO 008	9902
7590 04/28/2004				
EXAMINER				
JOYCE, HAROLD				
ART UNIT		PAPER NUMBER		
3749				

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DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,413	BIGELOW, FLOYD E.	
	Examiner	Art Unit	
	Harold Joyce	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12232003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 12 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orr in view of Wardy. Orr discloses the claimed invention except for the air system for directing a flow of air at the rear of a head of a person, two fans, and a portable power supply. Wardy teaches that it is known to provide a flow of air to be directed toward the rear of a head as set forth at column 3, lines 13-15 and a portable power supply as set forth at column 4, lines 21-25. It would have been obvious to one having ordinary skill in the art at the time the invention was made to direct the air of Orr towards a person rear head, as taught by Wardy in order to cool that portion of the body. As to the two spaced apart fans, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Orr with two fans, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. As to claim 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the fan of Orr with a portable power supply, as taught by Wardy in order that the blower may be used away from the cart. As to claim 12, Official Notice is

taken that it is well known to make a roof of a vehicle of insulating material in order to prevent heat radiation there through.

3. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orr in view of Wardy as applied to claim 1 above, and further in view of Russ. Further, Orr discloses the claimed invention except for the elongated opening in the roof. Russ teaches that it is known to provide an elongated opening in a vehicle roof as set forth at column 4, lines 51-57. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the roof of Orr with an elongated opening, as taught by Russ in order to provide protection for the operator.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 13, 14 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Orr.

Claim Rejections - 35 USC § 103

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orr. As to the two spaced apart fans, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Orr with two fans, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orr in view Russ. Orr discloses the claimed invention except for the elongated opening in the roof. Russ teaches that it is known to provide an elongated opening in a vehicle roof as set forth at column 4, lines 51-57. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the roof of Orr with an elongated opening, as taught by Russ in order to provide protection for the operator.

Claim Rejections - 35 USC § 112

8. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis for "one fan".

Claim Objections

9. Claims 2 and 19 are objected to because of the following informalities: In claim 2, the period in the body of the claim is objected to. In claim 19, line 1, "a a" is objected to. Appropriate correction is required.

Conclusion

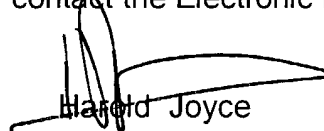
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Joyce whose telephone number is (703) 308-0274. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703) 308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harold Joyce
Primary Examiner
Art Unit 3749